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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,168	01/27/2005	Sunao Kurimura	04910/HG	8184
1933 7590 07/06/2007 FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			EXAMINER RAO, G NAGESH	
			ART UNIT 1722	PAPER NUMBER
			MAIL DATE 07/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/523,168	Applicant(s) KURIMURA ET AL.	
	Examiner G. Nagesh Rao	Art Unit 1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007 and 02 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-9 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 8-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3 and 5-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*Election/Restrictions*

1) Applicant's election without traverse of Group II claims 3 and 5-7 in the reply filed on 5/30/07 is acknowledged.

Claims 1 and 8-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/7/07.

*Claim Rejections - 35 USC § 112*

2) Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant's presented new dependent claim 7 in the reply filed 5/2/07. Upon review of the amended changes, examiner noted that there is no support in the specification for the limitation of the pressing apparatus whereby the "pressing surface is held on the main body of the pressing apparatus via a switching mechanism". Examiner did note other mechanisms such as swinging and shank mechanisms but could not find any

support for the term “switching mechanism” in the specification, nor in attorney’s remarks for where said support in the specification could be ascertained.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3) Claims 3 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Shinma (US Patent No. 6,471,501).

Examiner wishes to point out that claims 3, 5-7 are directed to a set of apparatus claims and as such will be treated as apparatus claims. Ergo please see MPEP 2115 [R-2] for details regarding material worked upon by the apparatus does not limit the claim structure of the apparatus itself, since it is viewed as a recitation of intended use by the device.

Shinma 501 discloses a hot press-plate apparatus system that is capable of being used to work on a quartz crystal in order to help process the material. As can be seen in Figure 1 of Shinma 501, disclosed is a press-plate apparatus system

comprised of a pair press-plates (23, 60) and heating blocks (22, 71, 72 i.e. anticipating plurality of heaters) attached to said press-plates, whereby the press plates (which have a protruding member) and the heating blocks are comprised of separate materials since they can be attached or removed off one another thus broadly reading on the phrase “constructed from a different material”, being that the two separate pieces are not one whole said material piece but two different material pieces whereby the press plate and heating block when combined together read on a pressing block thus reading on a heating mechanism in the pressing blocks and with their being more than one heat source (22, 71, and 72) reading on plurality of heaters, followed by the upper press surface system is held on the main body of the pressing apparatus via a swinging mechanism (which would anticipate the term switching if applicants meant swinging rather than switching) (21, 24, and 25) which is used to help maintain the planarity of the product’s surface worked upon. Finally Shinma 501 discloses the use of a compressed air system which is utilized and reads on as being characterized in that the air pressure alone is used to generate the pressing force (See Col 3-13 Lines 1-68, in particular Col 4 Line 5-68, Col 6 Lines 44-55, Col 11 Lines 26-57, Col 12 Lines 9-39, and Figures 1-13).

*Response to Arguments*

4) Applicant's arguments filed 5/2/07 have been fully considered but they are not persuasive. Applicant's remarks pertaining to claim 1 are moot since the response to the restriction requirement elected claims 3 and 5-7 directed towards the pressing apparatus system.

Applicant's remarks regarding Shinma 501 are off point comparatively to what examiner stated in the preface to the 102(e) rejection, which was that claims 3 and 5-7 are directed towards the apparatus system. Therefore the amendment to claim 3 recites a desired result to occur as a result of the apparatus system utilized, such as the language pertaining to the protrusion from the pressing member. The applicant's arguments pertaining to the desired purpose of Shinma 501 is moot, since examiner pointedly stated that the apparatus system was capable of performing said function and whether or not Shinma 501 states its purpose of use, is irrelevant to the fact that the product worked upon said system bears no weight to the claimed invention's physical parameters.

*Conclusion*

5) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to G. Nagesh Rao whose telephone number is (571) 272-2946. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571)272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GNR

DUANE SMITH  
PRIMARY EXAMINER

  
7-3-07